G. R. S. 59]

GENERAL AND REVENUE SECRETARIAT.

1906

(Muzrai)

File No. 219

Serial Nos. 1—7

Papers Filed.

Month May 1908.

SUBJECT.

Prayer for the Cancellation of a Sale of
a Musafirkhana at Srinivaspur in Satisfacti
of certain private debts.

PREVIOUS REFERENCES.

LATER REFERENCES.

Muz F 679-08

MUZRAI SECRETARIAT.

OFFICE NOTE.

File No.

SUBJECT.

Re Cancellation of the sale of a Musafirkhana alleged to have been built by the ancestors of one Sadasivaya

From

The Dy Commr, Kolar District

No. 3648/183 Dated 17th November 1906.

One Sadasivaih of Sreenivaspur petitioned H.H the Maharaja complaining that a Musafirkhana built by his ancestors on a piece of Govt land granted for the purpose at the place was attached and sold in satisfaction of certain private debts, and praying that the sale might be cancelled
The petn having been transferred to this Department for disposal it was referred to the Dy Commr

of the Kolar District, who reports that the right, title & interest of Sreecantiah (elder brother of the petr.) who absconded after having embezzled Govt. money to the extent of Rs 1377-11-11) in the Musafirkhana were sold along with his other immovable properties to realize the amount embezzled It is also reported that the Musafirkhana built out of funds collected from many persons was being used as the private property of Sreecantiah and that it had been leased out to a contractor who made it his residence also. It is further reported that the petr. claimed half a share in the buildings at the time of the sale but that after enquiry, the then Dy Commr Mr K.P Puttanna Chetty confirmed the sale - not on account of any private debts as alleged but for realizing Govt money embezzled The petr is said to be a dismissed Shanbhague

Muzrai Secretariat. File No. of 190

Carrying on nefarious practices
the Petr petitioned the then
Dy Comm. (the present 2nd Comm.)
to set aside the sale and he was
informed that his request could
not be complied with as his
alleged claims were all fully
enquired into before the sale.

May an endorsement
be issued to the petitioner
in terms of the Dy Comm's
letter?

Submitted
by 28/11/06

245

Dr
28/11/06

Subd to the 2d/-

28/11/06

There are no good
grounds to cancel the
sale held under
proper authority

Draft accepted
29/11/06
Draft Cert. issued

C 2-
301

29/11/06

File No. of 190 Muzrai Secretariat.

MGCPB—2,500—1-8-05.

Muzrai Secretariat File No. of 190

Note continued

An endorsement was accordingly issued to the memorialist Sadasiviah

Slip D informing him that there are no good grounds for cancelling the sale of the muzafirkhana.

Slip E Patel Subbanagappa has petitioned the Councillor praying for a re-consideration of the foregoing orders. He states that from certain enclosures filed with his petition, it is clear that the muzafirkhana in question is a charitable institution intended for the benefit of the travellers; that there are standing orders prohibiting the sale of such buildings in satisfaction of private debts and that the Land Revenue is a paramount charge on the land and if other lands of the defaulter are also sold for the

~~balance~~ arrear of land Revenue due to Govt the purchaser of such land is only entitles to the right, title and interest of the defaulter. He further represents that a sum of Rs 1340/ said to be falsely due from Srikantiah has been recovered from (Petr's) his private property, that the price of the chattram is Rs 2500/; that the sale of the building conducted by the Amildar is irregular; that the property was knocked down to Abdul Ghafoor Ameen Saheb, the Amildar's man, for a sum of Rs 1,100/, and that no opportunity was afforded to the persons present at the sale to offer their bid He prays that the sale may be cancelled and that if the sale is confirmed by Govt, a sum

GPB—3,000—25-9-07

MGCPB—2,500—1-8-05

Muzrai Secretariat File No. of 190

of the 2500f being his price of the chattram may be paid to him

From the Dy Commr Chikanteswara Iyer's letter of the (Slip F) 14th Novr 1906, on which the order of Govt was based, it is observed that the peta Subbanagappa, the absconded Srikantiah's father and the divided brother of Sarasmakka built the Mandapikhana or chattram in question

× used as private property

435/2340 8

Submitted for orders

AG 21/11/08

by 22/11/08 to the 2nd Commissioner

23/4/09

The peta may be rejected & the enclosures returned

23/4/08

Draft ready

23/4/09

Dft Submitted AG 24/11/08

File No. of 190 Muzrai Secretariat

GPB—3,000—25-9-07

MGCPB—2,500—1-8-05

Muzrai Secretariat File No. of 190

Note continued

The petition of Patel Subbayappa was accordingly rejected

(per mazar disposal) He has again petitioned this office urging for a re-consideration of the orders of Govt relating to the musafirkhana at Sunnavaspur He repeats that as prayed for by him, the sale of the Musafir Khana may be cancelled and that if the sale is confirmed by Govt, a sum of Rs 2500/- being his price of the chatteram may be ordered to be paid to him. In the concluding part of his petition, he adds that if his present petition also is rejected by Govt, he will resort to - bindi boonts within 2 months from the date of his applicatn

Viz 2d May 1908 and obtain redress.
Submitted for orders

AD 15/5/08

The question was considered and orders issued rejecting the Petn. stated for orders as to whether the present Petn. may also be rejected

The sale complained of having been effected by the Revenue Department for recovering Govt. money embezzled, I think the present Petn. threatening to resort to Court may be sent to the D. Commr., in continuation of the previous orders passed by us, for taking the needful action on the Revenue side.

484
18 5 08
Noted by the 2nd Commissioner

I Muanka Samba
18/5/08

Approved
The Muzrai dept
cannot pass
any orders in the matter

Draft according
20/5/08
Dft submitted
AD 21/5/08

GPH—3,000—25-9-07

M. 2 06.

1086 New 511

OFFICE OF THE PRIVATE SECRETARY TO
HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. 193/1 Mysore 24th July 1906

Petition as shown below, to His Highness the Maharaja, is transferred to the Secretary to the Government of His Highness the Maharaja of Mysore, General and Revenue Department (Br: IV), Bangalore, for disposal

MYSORE GOVERNMENT
500
MUZRAI SECTT.

No. 123 of 06

No. R. 1404 — R.M 2-06-8
for favour of disposal
Forwarded, to the Secretary to the Government of H.H the Maharaja of Mysore, Muzarai Department
Dated 27th July 1906

By order.
For Secretary

AV
Rs
27.7.06

By Order,

I. C. S.
Private Secretary
to H. H. The Maharajah of Mysore.

MYSORE GOVERNMENT
500
10/87
OF THE PRIVATE SECRETARY
123
17 JUL 1906
10 H. H.

PS
Recd
18.7.06

I
Recd

[illegible] 10-12-905 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 20-6-906 [illegible]

[illegible] 23-6-06 [illegible]

1637 [illegible] 30-6-06 [illegible]

[illegible] 28 [illegible]

[illegible]

[illegible] 1858-6 [illegible]

[illegible]

[illegible]

[illegible]

[illegible] 1878 [illegible]

[illegible] 2445 [illegible]

[illegible] 28-3-1878 [illegible] 147 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 15-7-06 [illegible]

Sl 2

Sl 85

[illegible]

30/6/06

[illegible]

Sl2

[illegible]

[illegible] 19 [illegible]

[illegible]

[illegible]

[illegible] 449 [illegible]

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[illegible]

[illegible]

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[illegible] 8 [illegible]

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[illegible]

[illegible]

[illegible] 28 [illegible] 1878 [illegible]

Mnz 1 17

MUZRAI SECRETARIAT.

190 --190

From

L ANANTASAMI RAO, Eso., B
Secretary to the Govern ment of
H H the Maharaja of
Mysore

To

The Dy Commr
Kolar Dist

Dated 4th August 1906

Despatched

Received

General No. 921
Muzrai F. No

Enclosure No 7 Petn & its encls

Has the honor to forward herewith for favor of enquiry and report memorial regd no 123/500 of 15th July 1906 addressed to H H the Maharaja by — Sadasiviah of Srinivasapur complaining that a musafirkhana built by his ancestors on a piece of Govt land given out

therefor was brought under attachment in satisfaction of certain private debts.

By order,

9/8/06

Secretary

9/8/06

Sent to the petr

9/8/06

1906-07 S(3)

From

The Deputy Commr

Kolar District

To

The Musyr Secretary
to the Govt of Mysore

Bangalore

Dated 17-11-06

Despd 19-11-06

C/No. 3648/183 Cultvn.

Report on the memorial addressed to H.H. the Maharaja by Sadasivaiah of Srinivaspur.

Ps
20/11/06 2548
C.V.R.

C
24/11/06

Note submitted herewith

No. 3648
183

Deputy Commissioner's Office,
Kolar District,
Dated Camp Bowringpet, 17th November 1906

From

C. Srikanteswara Aiyar Esqr., B.A. B.L.,
Deputy Commissioner, Kolar District.

To

L. Anantaswami Rao Esqr., B.A.,
Secretary to the Govt. of H. H. the Maharaja of
Mysore, Muzrai Department.

Sir,

With reference to your docket No.921 dated the 8th August 1906, forwarding for enquiry and report, the memorial addressed to His Highness the Maharaja of Mysore, by one Sadasiviah, of Srinivaspur, complaining that an alleged Musafirkhana built by his elder brother during the life time of his father on a peice of Government land, granted free for that purpose, was brought under attachment in satisfaction of certain private debts of one Srikantiah, I have the honor to forward herewith, the entire records connected with the sale and to state as follows:-

2. The said Srikantiah, Patel of Srinivaspur, absconded, having embezzled Government money to the extent of Rs.1377-11-11 and consequently to realize the amount so embezzled, all the immovable property belonging to his family was proclaimed for sale in the ordinary course, and eventually after due local enquiry the right, title and interest of the absconded Srikantiah in the Musafirkhana in question were also sold.

3. This Musafirkhana or Chatram is a building constructed by the absconded Srikantiah's father Subrayappa, the divided brother of the petitioner Sadasiviah, who, as Shanbogue of Srinivaspur has been under suspension since 1897 for series of defalcations

and who has lately been directed by Government to be dismissed from service, the whole family being declared to have forfeited the Shanbogi hak (Vide Govt. Pro. No.2469/R.P.155-01-3 dated 27th August 1906). Whatever was the early history of the grant of the land to the said petitioner's divided brother Subrayappa, it is well known in the locality that it was the said brother Subrayappa who in his days as one of the influential men of the place built the Chatram mostly out of funds collected from many persons over whom he had influence as Patel, and this building has for many years past been used as his own private property, and was in his khata and not in that of the petitioner's father which would have been the case had it been built out of family funds. It cannot be presumed that it was wrongly inserted in the khata of Subrayappa, the Patel, as his own brother the petitioner, was himself the the Shanbogue. In the Khaneshmari accounts this building is mentioned as a Musafirkhana, probably to evade the Khataraf tax this Musafirkhana was besides lately let out by a formal Lease to a Mussalman Tamradi bark contractor for storing his tamradi bark therein, wherein the contractor also resided. It was thus neither used as a public charitable rest-house, nor was it regarded as such by the public.

4. The petitioner Sadasiviah, at the time of the sale, petitioned against it on the ground that it was a charitable institution in which he had half a share alone with his brother Subrayappa, who built the Chatram. Careful enquiries that followed, confirmed that the building was the private property of the said Subrayappa, built by himself and used for his own private purposes, that the khata of the building was also in his own name and that Sadasiviah had no manner of right whatever to it. Therefore it was that the "right, title and interest" of the aforesaid Srikantiah and his family in the said building were sold for Rs.1001 (Rupees One thousand and one), along with other properties sold outright. The then Deputy Commissioner, Mr. K. P. Puttanna Chetty confirmed the sale (along with other sales), not on account

of any private debts of Srikantiah as alleged by the petitioner but for realizing the Government money embezzled by the former.

5. It will thus be seen that the petitioner, the dismissed Shanbogue, is the paternal, divided uncle of the absconded Patel Srikantiah and that both of them, as members of the same family, have long been in the habit of carrying on their nefarious practice till the latter absconded and who is still at large. During my late tour in the Taluk, the matter came to my notice and I inspected the building which the townspeople represented had never been used as a Chatram. It was apparently the same old story of acquiring Government sites on cloak of charity and eventually converting the same to one's own use.

6. Sadasiviah petitioned the Deputy Commissioner, (Mr. K.P. Puttanna Chetty), to set aside the sale and was given an endorsement that the sale could not be set aside as all his alleged claims were fully enquired into before the sale and found none to exist.

7. The present memorial is against this order, to have the said sale cancelled.

I have the honor to be,

Sir,

Your most obedient servant,

Sd/-

Deputy Commissioner,

Kolar District.

ಎಲ್ಲ ಪ

ಕೋರಲಗಳು ಕೆಂಪುರಾಯವಿಲ್ಲ ಸಂಬಂಧಿಸಿದ್ದು
ವಿಚಾರಿಸಿ ವರದಿ ಸಂಖ್ಯೆಯವರೆಗೆ ವರದಿ
ಮಾಡಿಕೊಂಡಿರಿ ಕೆಳಗೆ ವರದಿ

By order
6/12/06
Secretary to Govt
Mysorai Depart

Draft approved
2nd order
ks
4/12/06

Copy is forwarded to the Deputy Commissioner, Kolar District for information with reference to his letter No. 3648 D/ 19th November 1906.

The enclosures are herewith returned

By order

Draft

Secretary to Govt
Mysorai Depart

ks
4/12/06

Muz. 21]

ನಂ. 4816 ಡಿ/28.4.08

ಮೈಸೂರು ಶ್ರೀಮತ್ ಮಹಾರಾಜರವರ ಗವರ್ನಮೆಂಟ್ ಮುಜರಾಯಿ ಇಲಾಖೆಯಿಂದಾ

ನೀವು ಹುಜೂರಿಗೆ ಜಾಹಿರ್ಮಾಡಿಕೊಂಡ [illegible] ನೇ

ಮೆಲ್ಕುಂ 3946ನೇ ನಂಬರ್ ಅರ್ಜಿ ಪರಾಂಬರಿಸಲಾಯಿತು.

GPB—1,000—28-9-07

C/o 4817

Copy to the Dy Commr, Kolar District. in continuation of this office no 3101 dy 8th December 1906

By order

Dy Secretary.

Dft as per orders

Muz. 1]

26/5

190

From

To

The Dy Commr

Kolar Dist

Dated

Despatched 29.5.08

Received

General No. 5387

No.

Enclosure No. 11

In continuation of this office no 4814 dy 28th April 1908 forwarding copy of endorsement granted to Patel Subbarayappa of Srinivaspur rejecting his petition praying for the cancellation of [illegible]

H.C.

G P L—3 000- 19-9 07

Musafirkhana for recovering
Govt. money embezzled,
has the honor to forward
herewith petition regd.
no 4488 dated 4th May 1908
from the said individual
stating that if his present
petition also is rejected,
he will resort to court
to seek redress. As the
Mag-Deputy cannot
pass any order in the
matter, the Dy Comm.
is requested to take
the needful action on
the Rev. side

By order
27/5/08
Secretary

(Illegible)
25/5/08

No. 5388
Endt to Rev